

18CV9731

JS 44C/SDNY
REV. 06/01/17

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS
3 WEST 16th STREET, LLC (APPELLANT)DEFENDANTS
MARIANNE T. O'TOOLE, AS CHAPTER 7 TRUSTEE FOR THE ESTATE OF STEVEN J. ANCONA (APPELLEE)

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
McLAUGHLIN & STERN, LLP
260 MADISON AVENUE, NEW YORK, NEW YORK 10016
TEL.: (212) 448-1100

ATTORNEYS (IF KNOWN)
LaMONICA HERBST & MANISCALCO LLP
3305 JERUSALEM AVENUE, WANTAGH, NEW YORK 11793
TEL.: (516) 826-6500

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Bankruptcy Appeal, 28 U.S.C. Sec. 158(a)

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No Yes Judge Previously Assigned

If yes, was this case Vol. Invol. Dismissed. No Yes If yes, give date _____ & Case No. _____

Is this an international arbitration case?

No Yes

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

		TORTS	ACTIONS UNDER STATUTES			
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
[] 110 INSURANCE	[] 310 AIRPLANE	[] 367 HEALTHCARE/PHARMACEUTICAL PERSONAL INJURY/PRODUCT LIABILITY	[] 625 DRUG RELATED SEIZURE OF PROPERTY	[] 422 APPEAL 28 USC 158	[] 375 FALSE CLAIMS	
[] 120 MARINE	[] 315 AIRPLANE PRODUCT LIABILITY	[] 365 PERSONAL INJURY PRODUCT LIABILITY	[] 21 USC 881	[] 423 WITHDRAWAL 28 USC 157	[] 376 QUITAM	
[] 130 MILLER ACT	[] 320 ASSAULT, LIBEL & SLANDER	[] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	[] 690 OTHER		[] 400 STATE REAPPORTIONMENT	
[] 140 NEGOTIABLE INSTRUMENT	[] 330 FEDERAL EMPLOYERS' LIABILITY				[] 410 ANTITRUST	
[] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[] 340 MARINE LIABILITY				[] 430 BANKS & BANKING	
[] 151 MEDICARE ACT	[] 345 MARINE PRODUCT LIABILITY				[] 450 COMMERCE	
[] 152 RECOVERY OF DEFULTED STUDENT LOANS (EXCL VETERANS)	[] 350 MOTOR VEHICLE PRODUCT LIABILITY	[] 370 OTHER FRAUD	[] 820 COPYRIGHTS		[] 460 DEPORTATION	
	[] 355 MOTOR VEHICLE PRODUCT LIABILITY	[] 371 TRUTH IN LENDING	[] 830 PATENT		[] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)	
[] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[] 360 OTHER PERSONAL INJURY	[] 380 OTHER PERSONAL PROPERTY DAMAGE	[] 835 PATENT-ABBREVIATED NEW DRUG APPLICATION		[] 480 CONSUMER CREDIT	
[] 160 STOCKHOLDERS SUITS	[] 362 PERSONAL INJURY - MED MALPRACTICE	[] 385 PROPERTY DAMAGE PRODUCT LIABILITY	[] 840 TRADEMARK		[] 490 CABLE/SATELLITE TV	
[] 190 OTHER CONTRACT						
[] 195 CONTRACT PRODUCT LIABILITY						
[] 196 FRANCHISE	ACTIONS UNDER STATUTES	PRISONER PETITIONS	LABOR			
	CIVIL RIGHTS	[] 463 ALIEN DETAINEE	[] 710 FAIR LABOR STANDARDS ACT	[] 861 HIA (1395f)	[] 850 SECURITIES/ COMMODITIES/ EXCHANGE	
		[] 510 MOTIONS TO VACATE SENTENCE	[] 720 LABOR/MGMT RELATIONS	[] 862 BLACK LUNG (923)		
		28 USC 2255	[] 740 RAILWAY LABOR ACT	[] 863 DWIC/DIWV (405(g))		
			[] 751 FAMILY MEDICAL LEAVE ACT (FMLA)	[] 864 SSID TITLE XVI		
				[] 865 RSI (405(g))		
					[] 890 OTHER STATUTORY ACTIONS	
					[] 891 AGRICULTURAL ACTS	
REAL PROPERTY				FEDERAL TAX SUITS		
[] 210 LAND CONDEMNATION	[] 441 VOTING		[] 790 OTHER LABOR LITIGATION	[] 870 TAXES (U.S. Plaintiff or Defendant)	[] 893 ENVIRONMENTAL MATTERS	
[] 220 FORECLOSURE	[] 442 EMPLOYMENT	PRISONER CIVIL RIGHTS	[] 791 EMPL RET INC SECURITY ACT (ERISA)	[] 871 IRS-THIRD PARTY	[] 895 FREEDOM OF INFORMATION ACT	
[] 230 RENT LEASE & EJECTMENT	[] 443 HOUSING/ ACCOMMODATIONS	[] 550 CIVIL RIGHTS		26 USC 7609	[] 896 ARBITRATION	
[] 240 TORTS TO LAND	[] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	[] 555 PRISON CONDITION			[] 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION	
[] 245 TORT PRODUCT LIABILITY	[] 446 AMERICANS WITH DISABILITIES - OTHER	[] 560 CIVIL DETAINEE CONDITIONS OF CONFINEMENT			[] 950 CONSTITUTIONALITY OF STATE STATUTES	
[] 290 ALL OTHER REAL PROPERTY	[] 448 EDUCATION					

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DEMAND \$ N/A OTHER N/A

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.
AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13?

IF SO, STATE: Case not yet pending. Notice of Appeal filed 10/04/2018 in S.D.N.Y. Bankr.
Case No. 14-10532-mkv (judge / docket number not yet assigned).

DOCKET NUMBER _____

Check YES only if demanded in complaint

JURY DEMAND: YES NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN X IN ONE BOX ONLY)

- | | | | | | | |
|-----------------------------------------------------------|-----------------------------------------------------|----------------------------------------------------------|-----------------------------------------------------------|-------------------------------------------------------------------|-------------------------------------------------------------------|---------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from (Specify District) | <input type="checkbox"/> 6 Multidistrict Litigation (Transferred) | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge |
| | | | <input type="checkbox"/> a. all parties represented | | | |
| | | | <input type="checkbox"/> b. At least one party is pro se. | <input type="checkbox"/> 8 Multidistrict Litigation (Direct File) | | |

(PLACE AN X IN ONE BOX ONLY)

- 1 U.S. PLAINTIFF 2 U.S. DEFENDANT 3 FEDERAL QUESTION 4 DIVERSITY
(U.S. NOT A PARTY)

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF <input type="checkbox"/> 11 <input checked="" type="checkbox"/> 11	DEF <input type="checkbox"/> 11	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF <input type="checkbox"/> 13 <input checked="" type="checkbox"/> 13	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF <input type="checkbox"/> 15 <input checked="" type="checkbox"/> 15	DEF <input type="checkbox"/> 15
CITIZEN OF ANOTHER STATE	<input type="checkbox"/> 12 <input checked="" type="checkbox"/> 12		INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	<input type="checkbox"/> 14 <input checked="" type="checkbox"/> 14	FOREIGN NATION	<input type="checkbox"/> 16 <input checked="" type="checkbox"/> 16	

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

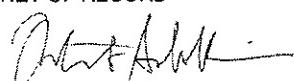
COURTHOUSE ASSIGNMENT

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: THIS ACTION SHOULD BE ASSIGNED TO: WHITE PLAINS MANHATTAN

DATE 10/04/2018 SIGNATURE OF ATTORNEY OF RECORD

RECEIPT #



ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO
 YES (DATE ADMITTED Mo. 09 Yr. 2005)
 Attorney Bar Code #MS7903

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)